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March 11, 2005

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Federal Communications Commission
Office of Secretary

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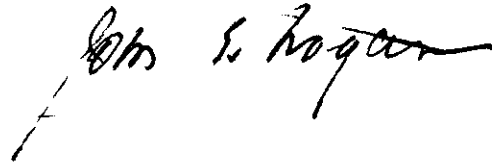
Ms. Marlene H. Dortch
Secretary of the
Federal Communications Commission
Washington, D.C. 20554

Re: *Ex Parte* Communication
Docket 94-102

Dear Ms. Dortch:

On behalf of ATX Technologies, Inc., enclosed is an *ex parte* communication submitted to the Commission's staff with regard to emergency response issues raised in the Commission's Docket 94-102.

Respectfully,



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March 11, 2005

Mr. John Muleta
Chief, Wireless Telecommunications Bureau
Federal Communications Commission
Washington, D.C. 20554

Dear Mr. Muleta:

As part of its commitment to keep the Commission advised of activities in automotive telematics with regard to emergency response, enclosed is a copy of a letter ATX Technologies, Inc. submitted to the National Emergency Number Association (NENA) regarding its Proposed Private Call Center Standards. NENA has recently released a revised draft; we will provide the Commission of any comments we submit.

Please call upon me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary A. Wallace".

Gary A. Wallace
Vice President, Corporate Relations
ATX Group

Copy Provided to:

Ms. Sheryl Wilkerson, Legal Advisor to Chairman Powell
Mr. Michael Wilhelm, Chief, Public Safety and Private Infrastructure
Division
Ms. Marlene H. Dortch, Secretary of the Commission

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October 15, 2004

Mr. Bill McMurray, President
National Emergency Number Association
4350 North Fairfax Drive
Suite 750
Arlington, Virginia 22203-1695

Re: Proposed Private Call Center Standards

Dear Mr. McMurray:

As you may know, ATX Technologies, Inc., is the second largest provider of telematics services for the automotive industry in North America and Western Europe, offering a customized, integrated telematics solution to meet the demands of automobile manufacturers and their dealerships and their mutual customers – vehicle owners.

This letter addresses ATX's serious objection to the proposed call center operating standards, drafted by the Private Call Center Standards Subcommittee of the Standard Operating Procedures Committee, that the Board of Directors will consider for adoption. Rather than define a narrow set of qualifications to use the NENA/Intrado PSAP database, the draft standards attempt to impose a comprehensive scheme dictating how private companies should operate without any benefit to consumers or emergency response. The document expounds in enormous detail on issues related to the way service providers conduct their business, where NENA members have limited or no direct expertise, and on areas where NENA members themselves have not achieved such standards for their own operations.

In 1999, ATX initiated a dialogue with NENA that sought to address proactively the technical issues we both foresaw impacting Public Safety Answering Points (PSAPs) as a result of the expected, gradual growth of telematics-equipped vehicles capable of sending location-based automatic collision notification (ACN) and emergency "MayDay" signals. Evidence of this was our joint participation in the DOT-sponsored National MayDay Readiness Initiative. Since that time, it seems this working relationship, based on pursuing very similar goals, between NENA and the automotive telematics industry has been plagued with recurring acrimony caused by the increasing sense that NENA seeks to mandate operating requirements on our industry. Regrettably, the proposed standards affirm this direction.

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Last year, with the advent of the Call Center-to-Call Center Forum that included NENA, the Association of Public Safety Communications Officials, Intl. (APCO), ATX and General Motors OnStar, ATX was optimistic that there had been some agreement on the future direction of the Telematics Service Provider (TSP)-PSAP interface. There seemed to be consensus that the primary "interface issues" included:

- The need to collaborate with APCO on joint training and interface protocols between TSP operators and PSAP calltakers/dispatchers.
- The need to collaborate with NENA on the future, technical interconnection (voice and data) between TSPs and PSAPs.

In fact, TSPs proceeded to work in good faith with APCO on the first task and have mutually agreed upon guidelines on both training and protocols that are just beginning to be introduced into our call center and in some PSAPs. We continue to look forward to working with NENA on developing a future road map regarding the technical interface between telematics centers and PSAPs, recognizing this is a subject on which NENA has considerable expertise.

In view of this background, we are perplexed at the enormous scope of the standards to regulate third party call centers in general. As these proposed standards evolved, they have become an explicit and persistent attempt to specifically "regulate" TSPs and mandate standards of operations for their call centers. These proposals clearly impose a comprehensive scheme dictating how private companies should operate without emergency response accruing any benefit. These proposed standards will impose enormous costs on TSPs and simply raise the risk for public emergency response agencies that automakers will not include location-based emergency assistance in their future telematics packages. It would seem more logical that NENA would attempt to provide telematics providers with significant incentives to use its proposals, not disincentives.

With due respect, we think NENA Board adoption of the proposed "standards" would be a serious error in terms of promoting overall public safety for the following reasons:

1) The proposed standards will deter effort and investment from the Nation's priority of making location-enabled emergency response universal.

The proposed standards will engender controversy that distract from the fundamental challenge of planning, developing and implementing a cooperative future path between all private call centers and emerging devices and the yet-to-be-planned and constructed, upgraded 9-1-1 communications centers of the future.

Strikingly, the very objective of the proposed standards is ambivalent. Section 1.0 states that the document's intent is to offer general guidance, under section 2.0 the purpose is to establish mandatory requirements where the words "shall, must or will" appear. Under section 2.2, the premise is that the proposed standards apply to call centers having access to NENA Public Safety Answering Point (PSAP) Registry information and/or to provide

operational and administrative guidance for interaction with PSAPs. Section 2.2 then states that it seeks to provide a basis for "self-assessment and constructive regulation" of private call centers. The message these contradictions send is NENA's intention to dictate how a private call center should be operated in areas far a field from promoting emergency response in the evolving E-9-1-1 environment.

2) That the Nation's PSAPs do not or will not comply with many of the standards is an inescapable irony.

ATX is not aware of any claim much less evidence that automotive telematics call centers lack in efficiency or effectiveness in promoting expeditious response. The findings of the Federal Communications Commission (FCC) confirm this perspective.

We think the NENA/Intrado PSAP Registry could possibly be an important public resource whose development and maintenance would embrace high standards and be supported by the users. But the proposed standards have virtually nothing to do with this database. The standards will impose an enormous disincentive entailing an extremely high cost. The effect is that private call centers should continue to be free to develop and pursue alternatives with regard to PSAP registry information. Many, including ATX, have.

As noted, the proposed standards' reach is not confined to effective use of the registry, extending to "operational and administrative guidance for interaction with PSAPs" and serving as "a basis for self-assessment and constructive regulation of call centers." These assertions have no foundation as neither NENA or any PSAP have any authority to regulate private call centers.

Ironically NENA attempts to exclude itself from any legal liability from parties following or affected by the call center standard, a position that we doubt will be embraced by the courts. No private individual, entity or institution can simply announce its insulation from liability, particularly from the individual citizen who relies on both PSAP and private call center. At the same time, the adoption of such the standards could expose third party call centers and Intrado to litigation and liability.

3) The proposed standards conflict with guidelines that the nation's largest organization representing PSAP operations have issued and to which the automotive telematics industry is in the process of implementing.

The proposed standards give scant recognition to the "Best Practices For Telematics Call Processing" recently released by APCO. The APCO initiative, which was developed in a spirit of mutual cooperation, provides guidelines for PSAP personnel and response operators of telematics centers and is grounded in promoting expeditious and effective response. Instead of integrating and complementing APCO's work into its proposals, NENA references it as suggested reading. The resulting confusion of competing

standards will be to the detriment of both PSAPs and private call centers and disrupts the broader E-9-1-1 challenge.

4) Mandating audio recording, establishing parameters for data maintenance, compiling statistical models for call patterns and providing an 800 number for potential customers are examples of elements that can exist or not, yet have no impact on how quickly a call is transmitted to a PSAP and response dispatched.

ATX agrees with the objective of Section 2.3, which states that the standards and model recommendations are designed to promote effective and efficient means to ensure quick notification, obtain relevant information and expeditious dispatch to the individual facing an emergency. Yet this core objective is contradicted by the range of proposed standards whose applicability is far distant from this core. Beyond automotive telematics the proposals appear to have no comprehension of the range of call centers from MSS providing mobile phone communications, home and business alarm systems, personal assistances services, utility and transportation network operation and dispatch centers, poison control and suicide prevention hotlines, all of which present unique challenges with regard to how a call will technically be delivered to the modern PSAP. The proposed standards do not recognize this challenge.

5) The proposed standards are contrary to public policy addressing privacy.

While acknowledging the heightened focus on protecting personal information, the standards disregard customer service agreements presently in place which are based on compliance with Canadian and provincial privacy statutes, state statutes pertaining to the limitations on the transmission of vehicle data, and the self regulatory foundation of United States privacy and data protection policy. Specifically, the proposals in section 3.3.8 require that incident information be available "online" for a period of 30 days and then archived for at least one year. Section 3.4.21 requires the call centers be able to retrieve the most recent 30 minutes of any conversation with any customer. By ignoring the US and Canadian structures, the proposed NENA standards lead to violations of federal, state and provincial laws addressing personal privacy and data protection. The standards no doubt will become a lightning rod for criticism from privacy advocacy groups and inevitably lead to restrictions enacted by local, state, provincial and federal governments.

6) The Proposed Standards have a backward, not forward-looking focus.

In section 3.2.4, the proposal states that the preferred contact method recommended for private call center agents when contacting PSAP personnel for emergency response is the "in-need" customer's native E/9-1-1 emergency network. While vague, we assume the section seeks to mandate that all private call center communications interface through each PSAP's 9-1-1 switch. This proposal seems not only contradictory to the purpose of the PSAP Registry, which offers third party call centers a listing of PSAP's 10-digit administrative line numbers, but is contrary to the reality of what is currently the most expeditious basis to obtain emergency response for automobile telematics customers

(especially if such routing queues verified emergency calls from telematics vehicles in distress behind multiple good Samaritan calls from wireless phones reporting non-specific information about an emergency). Despite the efforts of some E911 vendors, the FCC refused to embrace this proposal. Finding that requests to a telematics provider frequently were handled more expeditiously than calls directly to the PSAP, the Commission rejected such a mandate. Notably, the FCC embraced the call center model with regard to MSS phone service largely because of the lack of technical interface capability.

The disruption this objective would cause to PSAPs and private call centers would be enormous, expensive and undermine emergency response with regard to automotive telematics. Instead, ATX believes that the most provident use of NENA's and private call center efforts should be directed toward determining how to deliver a call to the modern PSAP that is able to receive information and locate callers. The establishment of a technology neutral standard for current and future service providers to build toward would do much to expedite response.

The divergence between the proposed standards and ATX's position is one of where energy and effort, analysis and judgment, should be committed. The 9-1-1 communications center today is an amalgam based on the wireline analog monopoly phone system. Its ability to receive information from and locate a mobile phone or even a multi line telephone is extremely challenged and will remain so without substantial modernization. VOIP, other Internet based protocols, MSS, the range of hand-held devices, and Centrex wireline systems, all must ultimately comport with the evolving 9-1-1 system if the Nation's priority to implement E 9-1-1 by upgrading PSAPs is serious. How this is done is critical and now is a critical time.

Efforts to promulgate "constructive regulation" regarding operations of a private call center are far detached from this enormous complicated challenge that currently and urgently face PSAPs and will divert effort from this crucial priority. ATX urges NENA to refocus this initiative so that the vagaries and weaknesses of the current infrastructure are not repeated.

ATX's plea is to move forward to a more productive relationship. We respectfully request a meeting with the NENA Board of Directors at which time we can have a frank discussion on what should be our mutual focus – collaboration on a future path to a new technical interface or continued debate on subject that are, at best, tangential to NENA's core mission and expertise.

Sincerely,



Gary A. Wallace
Vice President, Corporate Relations
ATX Group

Copy Provided to

Mr. Rob Martin, Executive Director

Mr. Steve Seitz, Government Affairs Director

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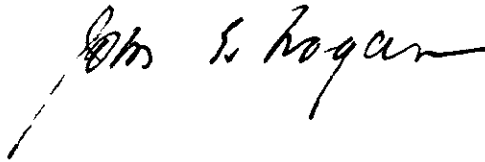
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